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REMARKS

Claims 1-8 and 11 remain pending in this application for which applicant seeks reconsideration.

Amendment

Claim 1 has been amended to clarify that the first and second wells are discrete and spaced apart, and that the punch-through stopper area is formed within the first well. See paragraph 20 for support. Allowable claims 3, 8, and 11 have been placed in independent form to place them in condition for allowance. No new matter has been introduced.

Allowable Claims

As claims 3, 4, 8, and 11, which have been indicated to be allowable if they are placed in independent form, have been placed in independent form, they are now in condition for allowance. Although claims 5/3, 5/4, 6/3, 6/4, 7/3, and 7/4 have not indicated as allowable, since these claims depend from allowable claims 3 and 4, these claims are also deemed allowable.

Art Rejection

Claims 1, 2, 6, and 7 were rejected under 35 U.S.C. § 102(e) as anticipated by Kumagai (USP 6,462,385). Claim 5 was rejected under § 103(a) as unpatentable over Kumagai in view of Curran (USP 4,403,395). Applicant submits that these rejections have been rendered moot since the punch-through stopper interpretation relied upon by the examiner no longer is valid.

Specifically, claim 1 now recites that the first and second well regions are discrete and spaced apart from each other. Moreover, claim 1 recites that the punch-through stopper is formed within the first well. That is, as claimed, the punch-through stopper does not extend into outside the first well. In rejecting the claims, the examiner states that element 13 corresponds to the punch-through stopper area. Applicant disagrees.

First, Kumagai explicitly discloses that elements 106, 108, 120, 122 (see Figs. 5-6) correspond to the punch-through stopper area. Element 13 merely corresponds to part of the first

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well. See column 5, lines 33-35, where it explicitly discloses that the n-well 16 can be composed of a first layer 13 and a second layer 15. Nowhere does Kumagai suggest that the first layer 13 is a stopper.

Second, if the first layer 13 is somehow deemed to be a punch-through stopper area, since it extends beyond the first well 15, this reference would not have anticipated claim 1.

Third, in contrast to the examiner's understanding, the sole embodiment illustrated by Kumagai's Fig. 5 illustrates a first layer 104 similar to the first layer 13 (102) in its second well 94. Fig. 1 merely shows a simplified illustration. Since Kumagai has these layers deemed to be the punch-through stopper area in both the first and second wells, Kumagai would not have anticipated claim 1.

Fourth, the examiner alleges that Kumagai's second lateral MOS transistor has a lower threshold voltage than its first lateral MOS transistor because paragraph 33 of the present disclosure somehow teaches it. For one, the examiner cannot rely on applicant's own teachings to reject applicant's own claims. Indeed, paragraph 33 makes no admission of any kind that the examiner can rely upon. Moreover, paragraph 33 provides no disclosure anywhere that would suggest that the Kumagai's second lateral MOS transistor has a lower threshold voltage than its first lateral MOS transistor. Applicant requests the examiner to explain how the examiner is deriving his conclusion from paragraph 33 should the same rejection be maintained.

Curran would not have alleviated Kumagai's shortcoming identified above.

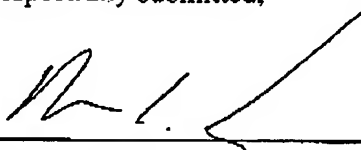
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Conclusion

Applicant submits that the claims at issue patentably distinguish over the applied references as they do not disclose the punch-through stopper configuration called for in claim 1. Applicant thus urges the examiner to issue an early Notice of Allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicant urges the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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